

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

CRP.No. 644 of 2007()

OS.191/2006 of MUNSIF COURT, PARAVUR
.....

REVN. PETITIONER: PETITIONER/PLAINTIFFS

1. ELIA @ ELIAMMA, AGED 85, W/O.ANTONY @
ANTHONY, S/O.ITTEERA, VAZHAPPILLY,
MANAKKODAM MURI, CHENDAMANGALAM VILLAGE.
2. ANTONY, AGED 57, S/O.ANTONY, VAZHAPPILLY
MANAKKODAM MURI, CHENDAMANGALAM VILLAGE.
3. ROSILY, AGED 65, D/O.ANTONY, VAZHAPPILLY
MANAKKODAM MURI, CHENDAMANGALAM VILLAGE.
4. JOY, AGED 47, S/O.ANTONY, VAZHAPPILLY,
MANAKKODAM MURI, CHENDAMANGALAM VILLAGE.

BY ADV. SRI.P.N.RAMAKRISHNAN NAIR
SRI.P.VISWANATHAN

RESPONDENTS: DEFENDANT

NIL

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.NO. 644 of 2007

Dated this the 20th day of July, 2007

O R D E R

This revision petition is preferred against the order of the Munsiff's Court, North Paravur dated 19.9.2006 in O.S.No.191 of 2006. The court below had disposed of the matter stating that the order last posting not complied, plaintiffs called absent and dismissed for default. This is in the stage of service of process. So, naturally, the dismissal should be one under Order IX Rule 2 of the Code of Civil Procedure. If the dismissal is under Order IX Rule 2 CPC, the remedy provided under Order IX Rule 4 CPC is to file a petition to set aside the said dismissal for default. But if really the plaintiff has complied with the directions of the court, then, it is an error committed by the court apparent on the face of record which requires review under the provisions of CPC.

Therefore, the revision petition is disposed of directing the revision petitioner to file a review, if he is able to convince the court that the court has erred apparent on the face of the court or file a petition for restoration under Order IX Rule 4 CPC. Since the Civil Revision Petition has been filed in this Court and has been pending

for a long time, if there is any delay, that has also to be considered sympathetically by the court below.

M.N.KRISHNAN, JUDGE

vgs.